

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
2023 FEB -6 A 9:55
S.D. GA.
FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA

Anthony Lamar Kitchens
GDC# 1562 866

Garden City, GA 31418-7150
(Enter above full name of plaintiff or plaintiffs)

CV323- 012

v.

Nurse Wells,
Nurse Ventson, and
Nurse Scott.
(Enter above full name of defendant or defendants)

SUED IN THEIR
INDIVIDUAL AND
PERSONAL CAPACITIES.

I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes No

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition

(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes _____ No _____

B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?

Yes _____ No

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (name the district):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition

(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes _____ No _____

C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes _____ No _____

1. If your answer to C is yes, name the court and docket number for each case:

II. Place of present confinement: Coastal State Prison

A. Is there a prisoner grievance procedure in this institution? Yes No _____

B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes _____ No

C. If your answer to B is yes:

1. What steps did you take? _____

2. What was the result? _____

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes No

If yes, what was the result? _____

D. If you did not utilize the prison grievance procedure, explain why not: I was in and out of consciousness and otherwise incapacitated during the time in which to submit a grievance. Also, I was transferred to another prison, a prison without any jurisdiction over the former.

III. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

A. Name of plaintiff: Anthony Kitchen
Address: GDC # 562866
Coastal State Prison
Garden City, GA 31418-7150

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

B. Name of defendant: Mrs. Wells (white female)
Position: nurse
Place of employment: Wheeler Correctional Facility
Current address: 1100 North Broad Street
Alamo, GA 30401

C. Additional defendants: Mr. Ventresca (white male)
nurse at Wheeler Correctional Facility.
Mrs. Scott (black female) nurse at Wheeler
Correctional Facility.

IV. Statement of Claim

State here as briefly as possible the FACTS in your case. Describe how each defendant is personally involved in the depriving you of your rights. You must include relevant times, dates, places, and names of witnesses. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

SEE ATTACHED PAGES 5(a) - 5(c).

1.)

On the morning of Wednesday, February 9, 2022, while imprisoned at the Wheeler Correctional Facility in Alamo, Georgia, I awoke feeling nauseated and suffering from acute abdominal pain. I promptly notified a correctional staff member that I was experiencing acute abdominal pain and needed to go to the prison's infirmary for medical treatment. Shortly thereafter, the staff member escorted me up to the prison's infirmary where I was seen and attended to by Defendant nurse Wells (white female). She, Defendant nurse Wells (white female), only asked me questions as to how great is my abdominal pain and when did the pain begin. The only action said Defendant took was to take my vital signs and have me return to my housing unit/dormitory.

2.)

Upon my return to my housing unit/dormitory, I continued to feel nauseated and to suffer from acute abdominal pain. I endured the nausea and abdominal pain from Wednesday, February 9, 2022, until the 8th day of April, 2022, when the pain became unbearable and I was not able to defecate or experience any type of bowel movement. On that date, 04-08-2022, I promptly notified a correctional staff member that I was extremely constipated, experiencing acute abdominal pain, and needed to go to the prison's infirmary for medical treatment. Shortly thereafter, the staff member escorted me up to the prison's infirmary where I was seen and attended to by Defendant nurse Wells (white female). She, Defendant nurse Wells (white female) performed a visual examination of my stomach area and, also, a cursory physical examination of my stomach area. She concluded that she could not determine what was wrong with me and, thus, sent me back to my housing unit/dormitory.

3.)

Upon my return to my housing unit/dormitory, I continued to feel nauseated and to suffer from acute abdominal pain. Moreover, I began to vomit, and my vomit smelled like feces. I endured the vomiting and abdominal pain from Friday, April 8, 2022, until Wednesday, May 4, 2022, when the pain became worse and the vomiting increased. I promptly notified a correctional staff member that I was vomiting feces, experiencing acute abdominal pain, and needed to go to the prison's infirmary for emergency medical treatment. Shortly thereafter, the staff member escorted me up to the prison's infirmary where I was seen and attended to by Defendant nurse Wells (white female). She, Defendant nurse Wells (white female) asked me about the frequency of my vomiting and the severity of my abdominal pain. I told her that I was vomiting a minimum of three (3) times per week and that my abdominal pain was horrible in intensity. She, Defendant nurse Wells, then prescribed me a bottle of over-the-counter Maalox* Oral Suspension and sent me back to my housing unit/dormitory.

4.)

Upon my return to my housing unit/dormitory, I continued to feel nauseated, continued to vomit, and continued to suffer abdominal pain. I endured the vomiting and abdominal pain from Wednesday, May 4, 2022, until Monday, June 20, 2022, when the pain became worse and the vomiting increased. I promptly notified a correctional staff member that I was vomiting feces, experiencing acute abdominal pain, and needed to go to the prison's infirmary for emergency medical treatment. Shortly thereafter, a staff member escorted me up to the prison's infirmary where I was, once again, seen and attended to by Defendant nurse Wells. On this occasion, Defendant nurse Wells did not examine my stomach or ask me any questions. She merely reached into a medical cabinet, retrieved a bottle of over-the-counter maximum strength Mylanta*, gave it to me, and sent me back to my housing unit/dormitory.

5(a)

5.)

Upon my return to my housing unit/dormitory, I continued to feel nauseated, continued to vomit, and continued to suffer abdominal pain despite my having taken regular and recommended dosages of the Mylanta over-the-counter medicine which was given to me by Defendant nurse Wells on June 20, 2022.

6.)

On Tuesday, July 26, 2022, after being unable to defecate or experience any type of bowel movement for the previous three months, I awoke feeling very weak and began to vomit profusely. A correctional sergeant observed me and rushed me up to the prison's infirmary where I was seen and attended to by Defendant nurse Ventson (white male). He, Defendant nurse Ventson (white male) took my vital signs and then performed a cursory examination of me to determine whether or not I was dehydrated. Following Defendant nurse Ventson's examination of me, he concluded that I was 100% dehydrated, instructed me to drink plenty of water, and sent me back to my housing unit/dormitory.

7.)

A few days past July 26, 2022, I became deathly sick, vomited profusely and was so observed by a Wheeler Correctional Facility unit manager. He, the Wheeler Correctional Facility unit manager, personally escorted me up to the prison's infirmary where I was once again seen and attended to by Defendant nurse Ventson (white male). On this occasion, Defendant nurse Ventson did not examine me or even take my vital signs. Instead, he merely remarked that I need to drink more water. I immediately responded to his remark by saying to him that I do drink water, but every time I do so it causes me to vomit. Furthermore, I told Defendant nurse Ventson (white male) that I have lost over forty (40) pounds since April 2022 and that immediately prior to my arrival to my visit Defendant nurse Ventson, I had lost consciousness. Defendant nurse Ventson failed to acknowledge what I told him and summarily sent me back to my housing unit/dormitory.

8.)

A couple of hours following my return to my housing unit/dormitory, I lost consciousness and was lying face down on my bunk during the mandatory standing headcount conducted daily by the staff at Wheeler Correctional Facility. One of the correctional staff members who was conducting the head-count observed me lying face down on my bunk and reached down and awakened me, stood me up, and escorted me back up to the prison's infirmary. Because I lost consciousness when I reached the prison's infirmary, I do not know who the medical person was who attended to me when I reached the infirmary. All I remember is that about two days later, I was in the patient bed-section of the infirmary and that no doctor saw me or treated me while I was there. Rather, it was the mother of a doctor who saw me while I was in the patient bed-section of the infirmary. (The doctor was never present because she was out on vacation, and even after her vacation, she was not present due to the fact she had contracted Covid-19).

9.)

The mother of the doctor asked a nurse to check my vomit to see if blood was present. The nurse, Defendant nurse Scott (black female) claimed that no blood was present in my vomit. The mother of the doctor then did the same test on my vomit and found that blood was, in fact, present in my vomit. Afterwards, the mother of the doctor immediately ordered the staff at Wheeler Correctional Facility to transport me to a public hospital. I was rushed to the Fairview Park Hospital in Dublin, Georgia, where I underwent emergency medical surgery to remove and treat portions of my deteriorated colon caused by stage 2 colorectal cancer.

5(b)

10.)

In closing, I was suffering from stage 2 colorectal cancer all the while I was being seen, examined, and attended to by Defendant nurse Wells, Defendant nurse Ventson, and Defendant nurse Scott. They were all deliberately indifferent to my serious medical need (colorectal cancer) and instead treated me as though I was merely experiencing common upset stomach symptoms which can be treated by use of over-the-counter medications such as Maalox* and Mylanta*, or by drinking plenty of water.

11.)

At all times relevant to this cause of action, the Defendants were acting under color of state law. Additionally, the actions and inactions of the Defendants are the direct and proximate cause of my physical injuries, pain and suffering, and mental and emotional distress.

12.)

Plaintiff reserves the right to add additional Defendants and amend the names of the currently listed defendants as discovery in this action progresses.

5(c)

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Award the plaintiff compensatory damages in the amount of two million dollars against each defendant, severally and individually.

Award the plaintiff punitive damages against the defendants in the amount of one million dollars.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of January, 2023.

Prisoner No. 562866

Anthony Kitchens
(Signature of Plaintiff)

Shedene M. Kitchens

11-02-2023





Anthony Kitehens, FDC # 562866
Coastal State Prison
P.O. Box 7150
Forsyth County, GA. 31418

To: Clerk,
United States District Court
Southern District of Georgia
P.O. Box 1130
Augusta, GA. 30903